

Metro Criminal Justice Commission Jail Policy Committee Report

**Daniel T. Goyette, Defender Emeritus
Thomas B. Wine, Commonwealth's Attorney
Jail Policy Committee Co-Chairs
December 6, 2018**



**AMENDMENT (Part I, B, 2.b.) to METRO COUNCIL ORDINANCE No. 108
(Series 2018)
FY 18/19 Operating Budget**

Convene a committee of stakeholders to come up with metrics related to jail overcrowding at the Department of Corrections. The Criminal Justice Commission must convene the committee by August 6, 2018 and hold meetings at least once a month. The Criminal Justice Commission is to send written invitations with RSVP to representative from the following stakeholders to participate in the committee: Louisville Metro Council, Department of Corrections, Jefferson District Court Judge, Jefferson Circuit Court Judge, Jefferson County Public Defenders, Jefferson County Attorney's Office, Lodges 614 and 77, AFSCME, LMPD, AOC, Metro Facilities and Department of State Corrections. The committee will share meeting minutes with the Budget Committee and provide a status report to the Metro Council Budget Committee and Public Safety Committee on or before the last Budget Committee meeting in 2018 and again on or before the conclusion of the 2019 Kentucky General Assembly. The report in November/December will provide a legislative agenda and recommendations/updates for diversion programs on how to decrease jail overcrowding at the Department of Corrections.



CRIMINAL JUSTICE COMMISSION JAIL POLICY COMMITTEE

Thomas B. Wine, Commonwealth's Attorney, Co-Chair
Daniel T. Goyette, Defender Emeritus, Co-Chair

David Nicholson, Jefferson Circuit Court Clerk

Michael O'Connell, Jefferson County Attorney

Mark Bolton, Director, Metro Corrections Department

Chief Steve Conrad, Louisville Metro Police

Carla Kreitman, Chief Court Administrator

Julie Kaelin, Private Defense Bar

David Musacchio, Community Leader

John Rees, Community Leader

Jim Cabral, Community Member

Commissioner Jim Erwin, KY Department of Corrections

Judge Brian Edwards, Chief Judge, Jefferson Circuit Court

Judge Anne Haynie, Chief Judge, Jefferson District Court

Judge Tara Hagerty, Chief Judge, Jefferson Family Court

Tara Blair, Administrative Office of the Courts, Pretrial Services

Tracy Dotson, FOP Lodge 77

Nicolai Jilek, River City FOP Lodge 614

Saulette Davis, AFSCME

Cathy Duncan, Metro Facilities

Councilman Brent Ackerson, Metro

Council



CRIMINAL JUSTICE COMMISSION JAIL POLICY COMMITTEE

2018 Meeting Schedule

January 23rd

March 27th

May 22nd

July 31st

August 28th

September 25th

October 30th

December 4th

12:00pm – 1:00pm



Jail Crowding Background Information

- **Similar to numerous jurisdictions across the country, Louisville Metro has been grappling with jail crowding for three decades and based on that experience, there have been a number of lessons learned**
- **The Jail Policy Committee, along with various groups that have worked on jail population management issues over the years, have always focused first and foremost on public safety**
- **We have pursued strategies to reserve finite jail space for individuals who pose a risk to the community while developing non-jail options for individuals who can be safely managed in a less restrictive manner**



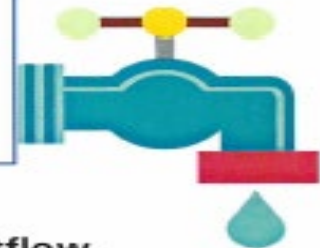
Water Barrel Analogy

Average Daily Population is a Function of Admission Rate and Length of Stay

Regulates the rate of Admissions



Population



Regulates rate of outflow
(length of stay)

Jail Crowding Background Information

- **Jail crowding is not a problem to solve, but a condition to manage**
- **We've also learned than any effort to manage the jail population requires the participation and commitment of all criminal justice stakeholders agencies and representatives**
- **Since no single entity has the authority to mandate implementation of jail population management strategies, we have worked hard as a committee and been successful in building consensus to implement agreed-upon and data-driven strategies**



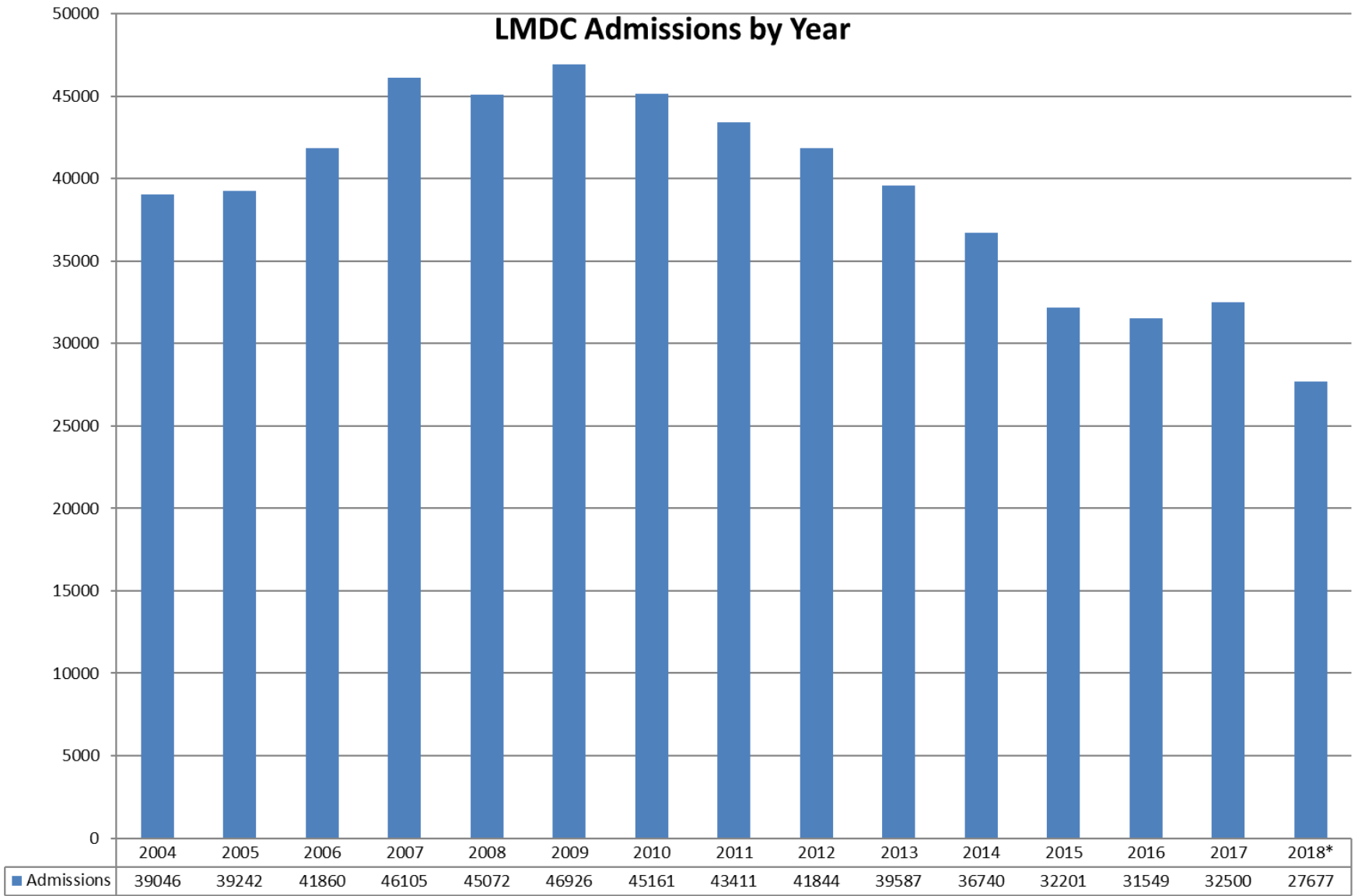
Key Indicators

- **Jail Admissions**
- **Average Length of Stay (ALOS)**
- **State Inmates**
- **Pretrial Release Rate**
- **Violent A/B Felony Cases**
- **Warrant Admissions**

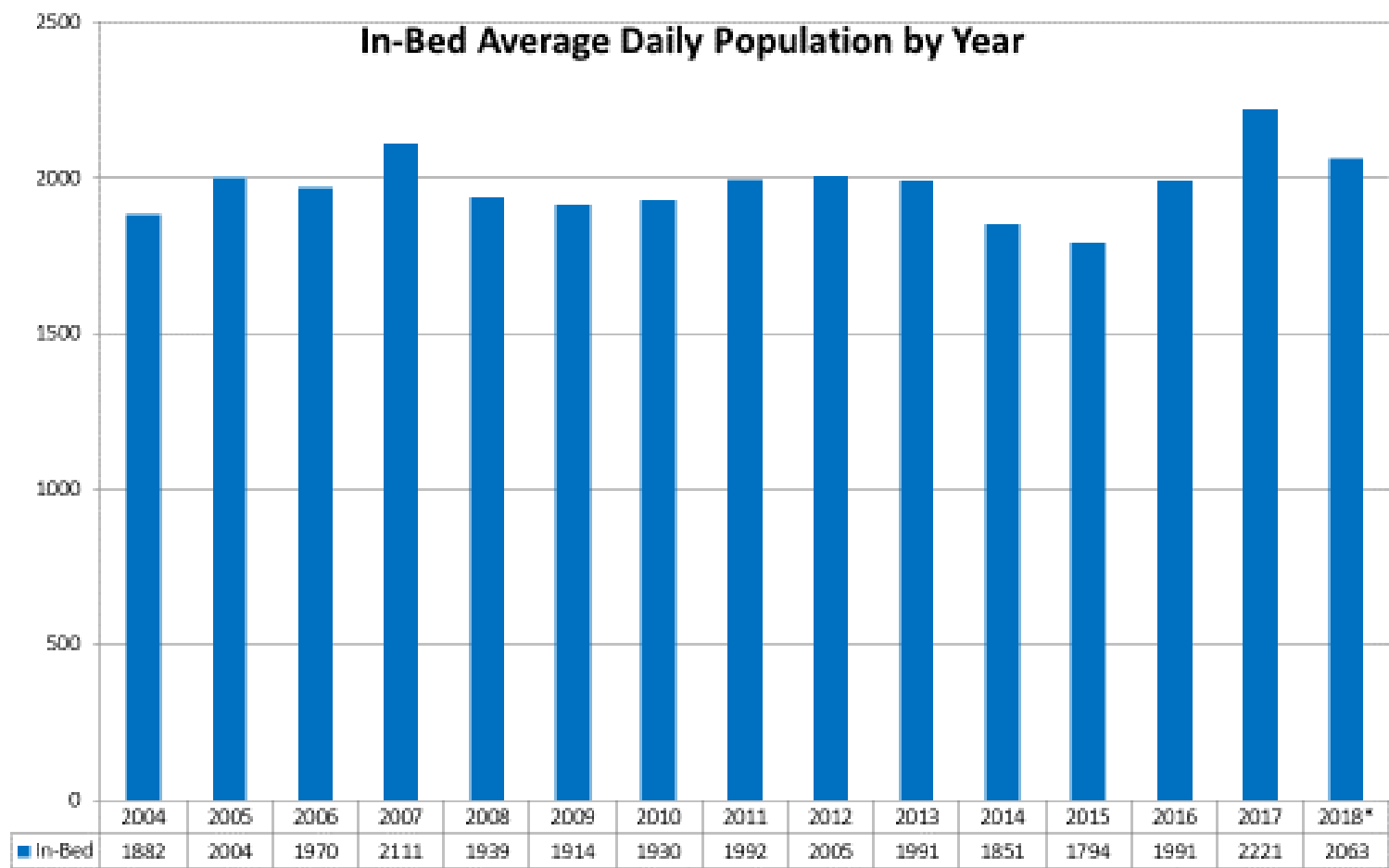


Decline in the Number of Jail Admissions

LMDC Admissions by Year



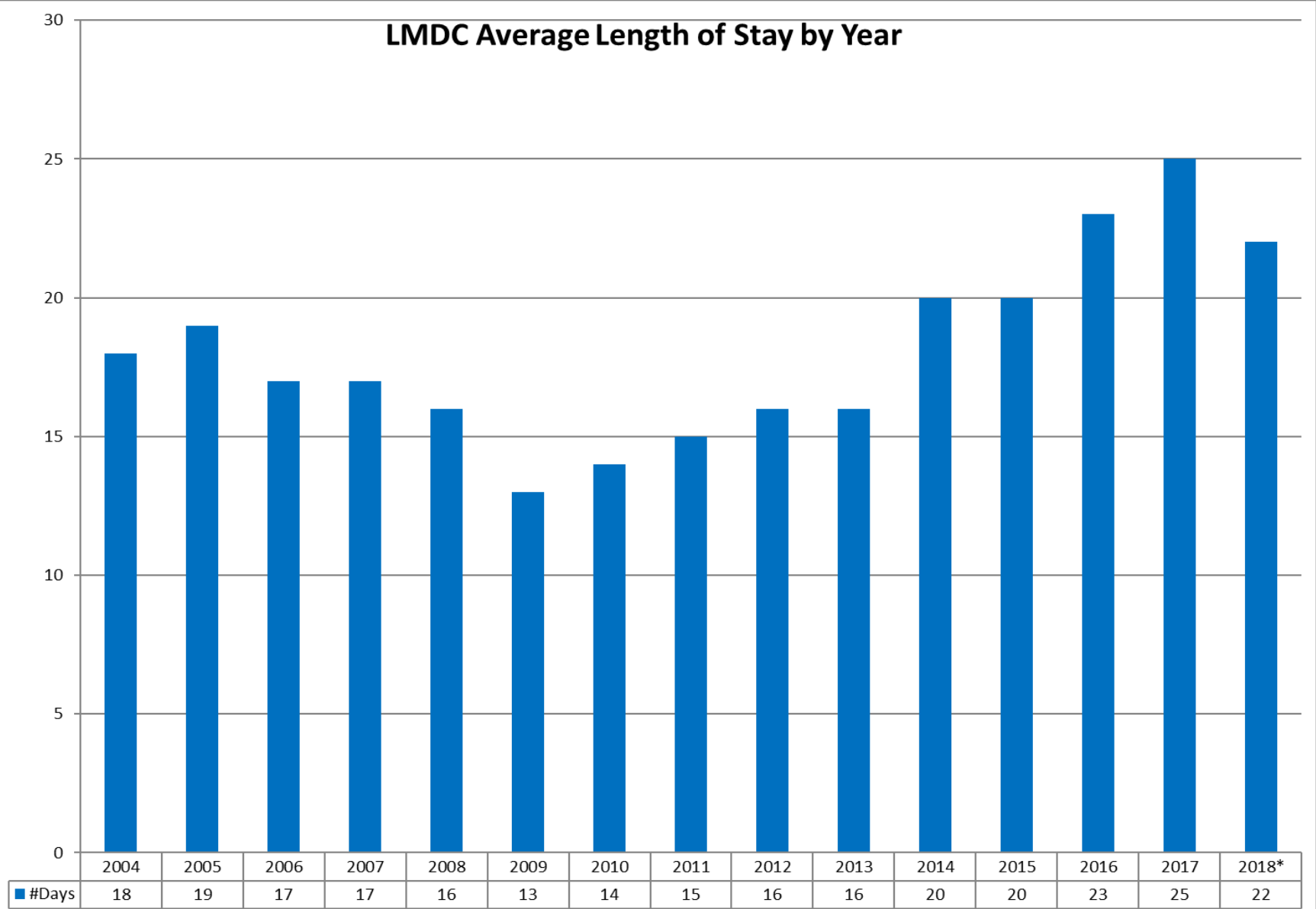
* 2018 admissions through October 30th



*2018 - current through last completed month

October 2018

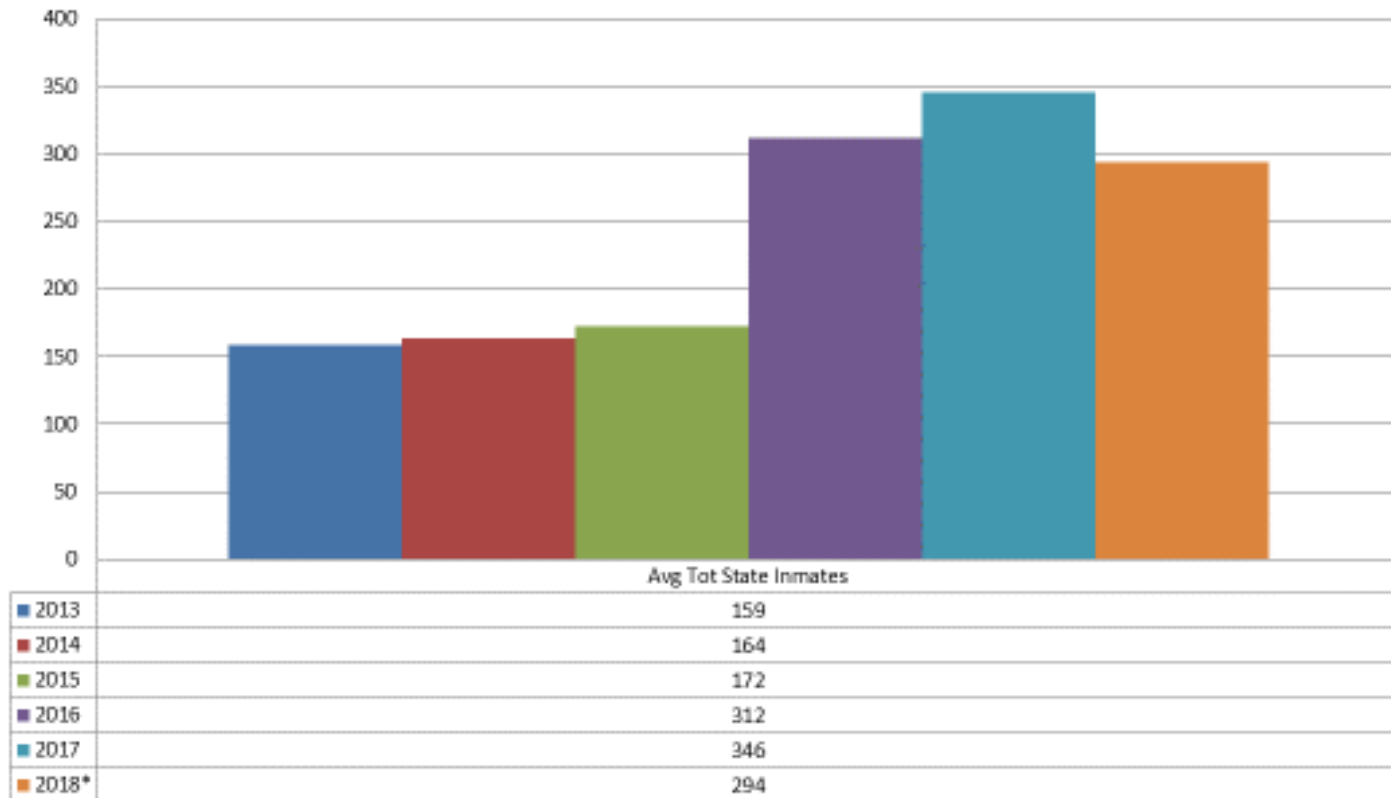
Increase in the Average Length of Stay (ALOS)



* 2018 ALOS through October 30th

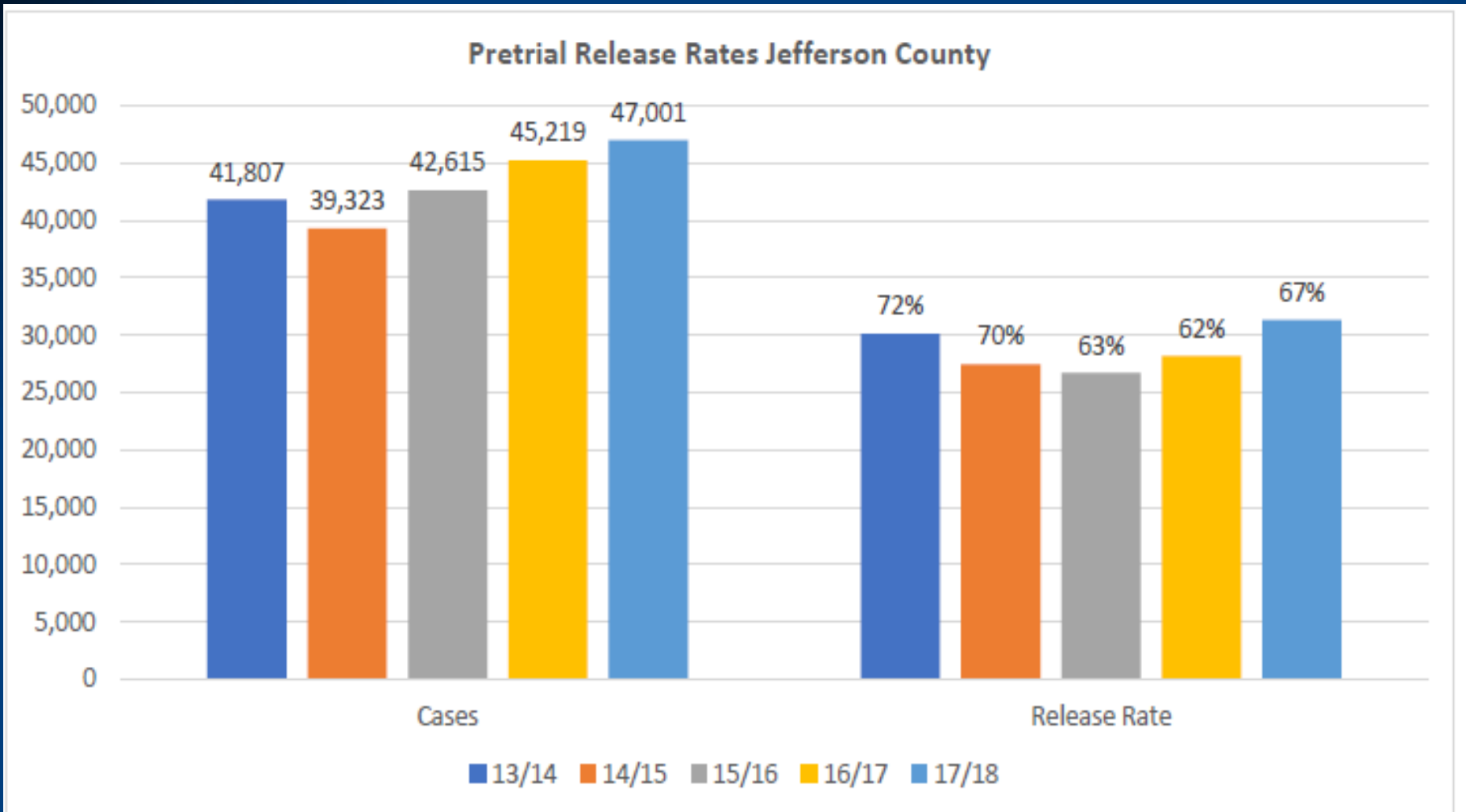
Increase in the Number of State Inmates

Average Total State Inmate Population 2013-2018



2013 based on October through December
*2018 current through last completed month

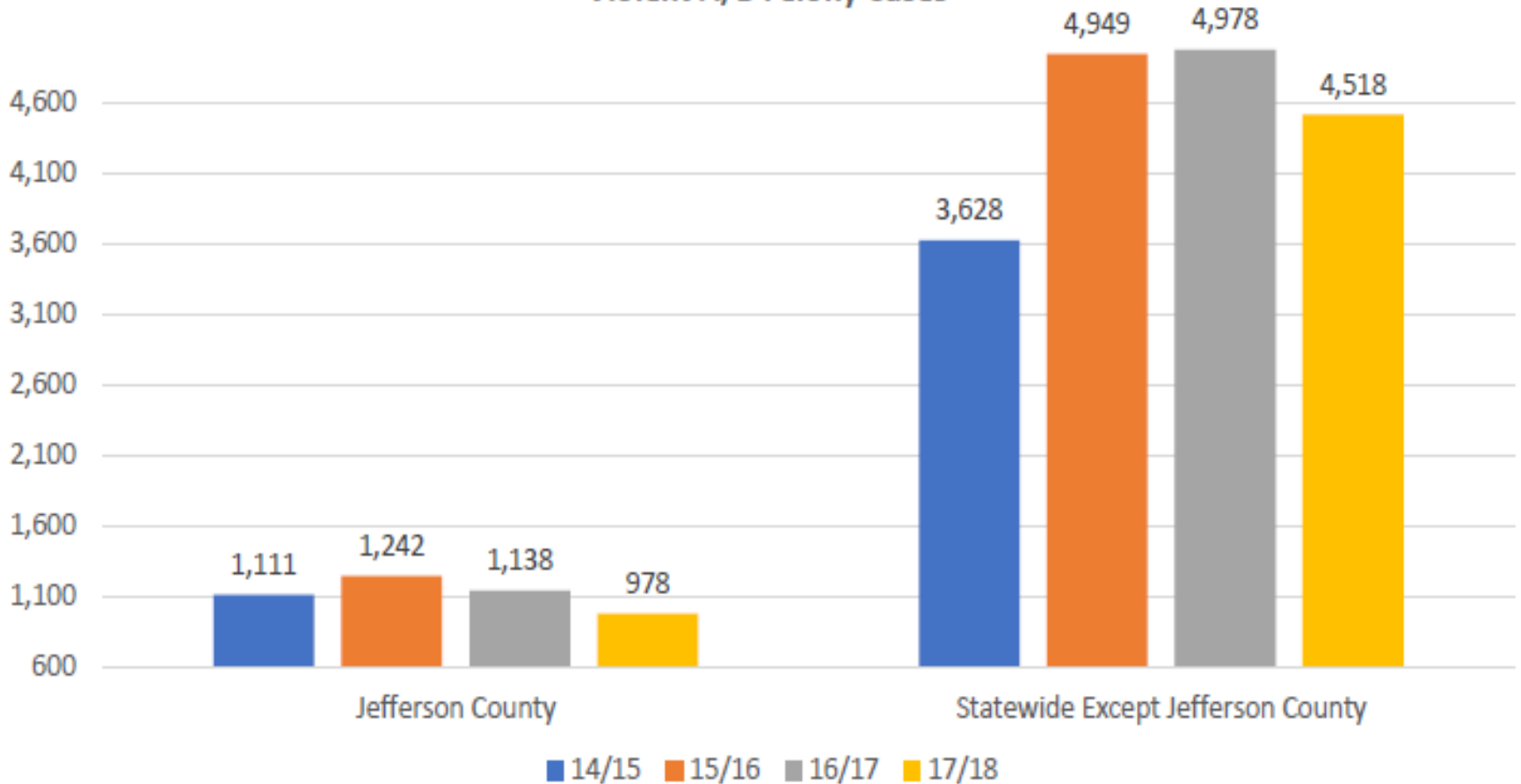
Reduction in the Pretrial Release Rate



Data in the chart above is for November 1 – October 31 for each year and was obtained November 14, 2018, from the KY Pretrial Services PRIM database, maintained by the Administrative Office of the Courts

Violent A/B Felony Cases

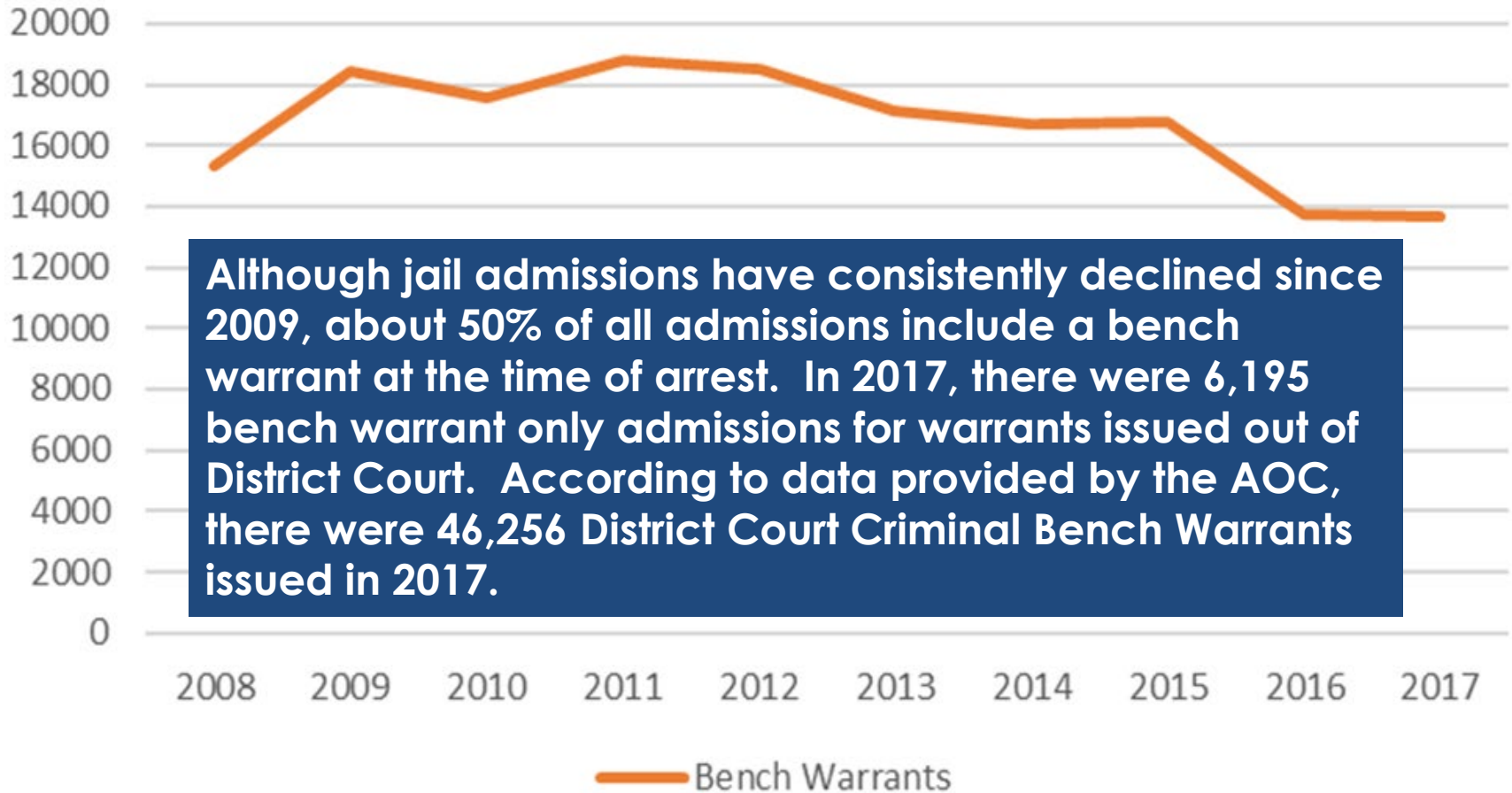
Violent A/B Felony Cases



Data in the chart above is for November 1 – October 31 for each year and was obtained November 14, 2018, from the KY Pretrial Services PRIM database, maintained by the Administrative Office of the Courts

Warrants

Number of Bench Warrant Admissions 2008-2017



Although jail admissions have consistently declined since 2009, about 50% of all admissions include a bench warrant at the time of arrest. In 2017, there were 6,195 bench warrant only admissions for warrants issued out of District Court. According to data provided by the AOC, there were 46,256 District Court Criminal Bench Warrants issued in 2017.

Jail Policy Committee Action Plan

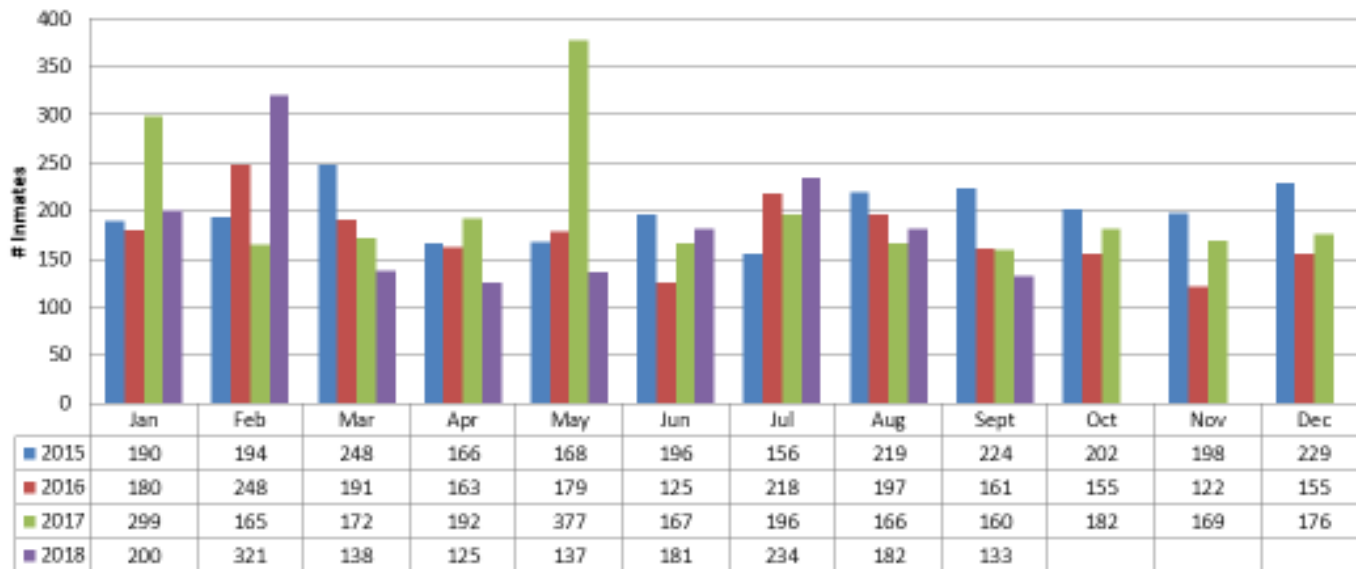
- (1) Transfer of State Inmates
- (2) Bail Reform/Pretrial Detention
- (3) Arraignment Court Initiatives
- (4) Bench Warrant Initiatives
- (5) Home Incarceration Program Pilot



Jail Policy Committee Action Plan

Transfer of State Inmates

2015 - 2018 Inmates Transferred to KYDOC



| Average Monthly Transfers by Year | | Total Transferred by Year | |
|-----------------------------------|-----|---------------------------|-------|
| 2015 | 199 | 2015 | 2,390 |
| 2016 | 175 | 2016 | 2,094 |
| 2017 | 201 | 2017 | 2,421 |
| 2018* | 183 | 2018* | 1,651 |

*2018 current through last completed month

Jail Policy Committee Action Plan

Bail Reform/Pretrial Detention

- Encourage use of non-financial conditions of release
 - Non-financial release accounted for 85.66% of all releases from 7/1/2018 – 10/30/2018 (84.60% in the same 4-month period in 2017)
- Encourage expanded use of Pretrial Services Monitored Conditional Release (MCR) Program
 - Pretrial Services to pilot Pretrial Assessment Reentry Treatment Services (PARTS) for felony offenders that are held pretrial in jail on a Circuit Court case. Pilot began October 29, 2018 and as of November 16th there were three individuals on the program with 11 referrals pending.



Jail Policy Committee Action Plan

Bail Reform/Pretrial Detention

The Bail Project

- First bail paid on May 10, 2018
- 399 bails paid (through November 30th)
- 88% return rate
- 419 Formal Public Defender referrals
- 65 Community referrals
- 15 informal Public Defender/lawyer/jail/clerk referrals
- \$120,000 refunded/recycled



Jail Policy Committee Action Plan

Arraignment Court Initiatives

Funding to add a part-time Jefferson County Attorney and Public Defender at Arraignment Court to expedite resolution of low level cases

From 8/1/17 – 10/31/18

1,451 Defendants

2,208 Cases

2,036 Estimated Days Saved

From 7/1/18 – 10/31/18

438 Defendants

727 Cases

610 Estimated Days Saved

Monitor release rates at arraignment

For January 1, 2018 to October 31, 2018:

7,905 were released from Arraignment

1,329 were placed on HIP from Arraignment



Jail Policy Committee Action Plan

Bench Warrant Initiatives

- Warrant purge of 2,202 traffic cases
- Warrant Amnesty event – TBD Spring 2019
- Reduction of bond on traffic bench warrants from \$500 to \$100 with Bail Credit – general practice is to request a bench warrant with a \$100 bond for individuals with a “no insurance/no accident” charge



Jail Policy Committee Action Plan

Home Incarceration Program Pilot

- HIP Work Group drafted Supervision and Sanctions Grids
- HIP participants to receive supervision or sanctions for violations in accordance with risk level
- Pilot began November 1, 2018 with individuals court-ordered to the Day Reporting Center (DRC) and are being monitored by HIP as a requirement of DRC participation
- As of November 12, 2018, there were 22 DRC participants on the HIP program: 12 High Risk, 5 Moderate Risk, and 5 Low Risk.



Jail Policy Committee Other Ongoing Projects

- **Felony Case Processing Work Group**
- **Law Enforcement Assisted Diversion (LEAD) Pilot**
 - **launched October 1, 2018**



Jail Policy Committee Legislative Agenda

- Bail Reform—Reform Kentucky’s pretrial release system to eliminate financial bail in most circumstances and implement a clear and convincing evidence standard for pretrial detention
- Require automatic check for outstanding warrants prior to renewal of driver’s license or professional certifications
- Proposal to permit police officer discretion to cite versus arrest for bench warrants on low-level charges



QUESTIONS

